

HOUSE BILL REPORT

HB 1186

As Reported by House Committee On: Judiciary

Title: An act relating to veterinarian immunity from liability when reporting suspected animal cruelty.

Brief Description: Concerning veterinarian immunity from liability when reporting suspected animal cruelty.

Sponsors: Representatives Haigh, Nealey, Jinkins, Rodne, Shea, Ryu, Morrell and Tharinger.

Brief History:

Committee Activity:

Judiciary: 1/31/13, 2/5/13 [DP].

Brief Summary of Bill

- Provides licensed veterinarians with immunity from liability for reporting animal cruelty.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

Staff: Omeara Harrington (786-7136).

Background:

Washington's animal cruelty statutes outlaw killing, inflicting various degrees of injury, pain, or neglect upon, or engaging in sexual practices with animals. In addition to prohibiting animal cruelty, the state's laws regarding the prevention of cruelty to animals prohibit certain specific practices and activities involving animals. Among the law's prohibitions are transporting or confining animals in an unsafe manner, engaging animals in exhibition fighting with other animals, and poisoning animals.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Veterinarians may be involved in animal cruelty investigations in a number of ways. Law enforcement may authorize a veterinarian to examine an animal in order to determine whether the animal has been neglected or abused to such a degree that removal of the animal to a suitable place for care is warranted. Veterinarians may also advise and assist law enforcement in euthanizing a seriously injured and suffering animal. Veterinarians are immune from liability for their participation in these activities, if carried out with reasonable prudence.

A number of states require or expressly permit licensed veterinarians to report animal cruelty, and provide immunity to veterinarians who report or testify about animal abuse or cruelty. Washington law does not require veterinarians to report abuse, and they are not given immunity for voluntarily reporting.

Summary of Bill:

Licensed veterinarians who report, in good faith and in the normal course of business, a suspected incident of animal cruelty, are immune from legal liability in an action brought against the veterinarian for reporting the suspected incident.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is an important step for veterinarians who have to deal with animal welfare issues and law enforcement. Veterinarians are involved in seizure cases and are sometimes required to testify, and legal liability is a concern. No claims have been brought against veterinarians in this state, but the primary concern is civil liability. One potential scenario could be that a veterinarian is brought as an expert witness in an animal cruelty case in which no animal cruelty was found or the case is resolved without trial, and the owner later sues the veterinarian for damage to reputation or defamation. Professional liability coverage probably does not cover reporting animal cruelty.

Thirty states provide immunity for reporting animal cruelty, and some states even extend the immunity to private citizens. The bill is drafted very narrowly, only covering the veterinarians in the course of conducting professional activity. The bill does not provide immunity for support staff or veterinarians acting as private citizens.

(Opposed) None.

Persons Testifying: Representative Haigh, prime sponsor; Greg Hanon and Mike Anderson, Washington State Veterinary Medical Association.

Persons Signed In To Testify But Not Testifying: None.